

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOZEF ZEMAN,

Plaintiff,

CASE NO. 12-12909

v.

HON. MARIANNE O. BATTANI

MICHAEL ASTRUE,
COMMISIONER OF
SOCIAL SECURITY,

Defendant.

/

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DISMISSING PLAINTIFF'S PETITION PURSUANT TO 28 U.S.C. § 1915**

Plaintiff Jozef Zeman brings this petition for an increase in his social security benefits. This case was referred to Magistrate Judge Charles Binder pursuant to 28 U.S.C. § 636(b)(1). In a Report and Recommendation ("R&R") dated August 20, 2012, Magistrate Judge Binder recommended that Plaintiff's request be dismissed *sua sponte* for lack of jurisdiction pursuant to 28 U.S.C. § 1915(e)(2)(B) because Plaintiff did not exhaust available administrative remedies or allege any constitutional violation.

In his R&R, the Magistrate Judge informed the parties that objections to the R&R must be filed within "14 days after being served with a copy of the recommended disposition" and a "[f]ailure to file specific objections constitutes a waiver of any further rights of appeal." R&R at 7. Neither party filed an objection.

Because no objection has been filed in this case, the parties waived their right to *de novo* review and appeal. Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendation, and Plaintiff's petition is **DISMISSED** in its entirety.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATE: October 1, 2012

CERTIFICATE OF SERVICE

I hereby certify that on the above date a copy of this Order was served upon all parties of record via ordinary U.S. Mail and/or the Court's ECF Filing System.

s/Bernadette M. Thebolt
Case Manager